

January 26, 2006

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, February 2, 2006
1:30 p.m., Commissioners Hearing Room
County-City Building, Room 112

A G E N D A

ITEM 1: Request to create the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>PROPOSED PAY GRADE</u>
0369	Risk Management Specialist	E18 (\$31,767.84 – \$41,454.40)

ITEM 2: Request to revise and change the pay grade of the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>CURRENT PAY GRADE</u>	<u>PROPOSED PAY GRADE</u>
2328	Publication and Resource Assistant	A14 (\$26,769.60 – \$35,220.64)	C16 (\$28,912.00 – \$37,918.40)

ITEM 3: Request for grievance hearing – Lisa Bailey — Corrections.

ITEM 4: Miscellaneous Discussion.

pc: Lisa Bailey

**LANCASTER COUNTY
RISK MANAGEMENT SPECIALIST**

NATURE OF WORK

This position involves technical work in accident investigation and claims investigation for insured and self-insured claims involving Lancaster County.

Responsible for setting up claim files, corresponding with medical providers, reading and interpreting medical reports, calculating and issuing benefits, operating a computer terminal to input data into the Workers' Compensation and General Liability programs.

EXAMPLES OF WORK PERFORMED

Assists the Workers' Compensation and Risk Management Manager with the insurance programs which include property, liability, vehicle, workers' compensation and other insurable risks.

Investigates any and all claims and losses involving Lancaster County.

Works with the County Attorney's Office by collecting information to assist in the defense of workers' compensation litigation.

Handles subrogation and collection of monies owed to Lancaster County.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of workers' compensation, general liability and automobile coverage and claims skills.

Knowledge of insurance principles and concepts.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with governmental officials, employees and the general public.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in insurance, business administration or related field with experience administering and/or adjusting workers' compensation, property, or liability claims.

MINIMUM QUALIFICATIONS

Graduation from a high school or equivalent with college level course work in insurance, business administration or related field with some experience administering and/or adjusting workers' compensation, property, or liability claims, or any equivalent combination of training and experience which provides the desirable knowledge, abilities and skills.

Approved by: _____
Department Head

Personnel Director

1/06

PS0369

LANCASTER COUNTY
PUBLICATION AND RESOURCE ASSISTANT

NATURE OF WORK

This is entry level technical work involving the preparation of various projects which require a skilled level of competence in graphic arts.

Work involves responsibility for designing and generating a variety of informational materials for various departments, specific clientele and public use. An employee in this class is expected to cooperate and participate with other employees within other county departments. An employee within this classification works independently but within the framework of departmental policy. General supervision is received through consultation with an administrative superior with work being reviewed by methods used and results obtained. May supervise subordinate clerical or technical staff.

EXAMPLES OF WORK PERFORMED

Consults with department representative to determine the nature of the project and determine the most desirable method of visual presentation.

Designs and creates specialized graphic art work such as: display advertisement design, newsletter design and layout, logo design, graphics for television and other graphics arts works.

Designs pamphlets, bulletins, manuals and booklets for mass reproduction, and designs other specialized forms and reports for in-house use. Coordinates printing schedule with print shop or outside vendors.

Prepares diagram charts, signs, training materials, and other visual aides to illustrate various departmental activities or information. Use computer scanner to scan and edit photographs and clip art for incorporation into printed materials.

Provides technical support to other staff with text preparation and printing.

DESIRABLE KNOWLEDGES, ABILITIES, AND SKILLS

Knowledge of a variety of computerized graphic art design work techniques such as desktop publishing, photographic scanning, and graphics for television.

Knowledge in development, design, editing, and publication of informational newsletter.

Knowledge of a variety of audio-visual and visual production equipment such as videocamera recorders and overhead projectors.

Ability to operate a variety of graphic, reproduction, audio-visual and photographic equipment and tools utilized in graphic arts and reproduction work.

Ability to exercise independent judgment in problem-solving and decision-making activities as related to core job responsibilities.

Ability to establish and maintain effective working relationships with governmental agencies, co-workers, and the general public.

Ability to communicate effectively both orally and in writing.

2328 LANCASTER COUNTY PUBLICATION AND RESOURCE
ASSISTANT

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Skill in the use, care, and maintenance of graphic, reproduction, audio-visual and photographic equipment and tools.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from a ~~senior high school or equivalent~~ an accredited four-year college or university with major course work in journalism or English supplemented by college-level course work in computers, graphic arts and design or related field with considerable experience in producing a wide variety of graphic art and design material.

MINIMUM QUALIFICATIONS

Graduation from a ~~senior high school or equivalent~~ community college with ~~some~~ experience producing a wide variety of graphic art and design material or any equivalent combination of training and experience which provides the desirable knowledges, abilities and skills.

Approved by: _____

Personnel Director

~~3/95~~ 1/06

PS2328

IN RE GRIEVANCE OF LISA BAILEY

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MOTION TO DISMISS

COMES NOW the County of Lancaster, Nebraska, by and through its attorney, Thomas W. Fox, Deputy Lancaster County Attorney, and moves the Lancaster County Personnel Policy Board as follows:

1. To dismiss the grievance on the ground that Lisa Bailey lacks standing to bring a grievance because she voluntarily resigned effective 9/29/05, and was not a status employee with Lancaster County on the date she filed her grievance with the Lancaster County Corrections Department or with the Personnel Director.

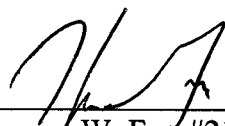
2. To dismiss the grievance on the ground that the Lancaster County Personnel Policy Board lacks the power, pursuant to Neb. Rev. Stat. 23-2522, to review the grievance of a party that is not a classified service employee of Lancaster County.

DATED this 20 day of January, 2006.

COUNTY OF LANCASTER,
NEBRASKA.

GARY E. LACEY
County Attorney

BY:




Thomas W. Fox #21578
Deputy Lancaster County Attorney
555 South 10th Street
Lincoln, NE 68508
(402) 441-7321

CITY - COUNTY PERSONNEL
2006 JAN 23 AM 10 15

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Motion was served, by sending a true and correct copy thereof by United States First Class Mail, postage prepaid, on this 20 day of January, 2006, to the following parties of record.

Gary Young
Keating, O'Gara, Nedved, & Peter, P.C.
530 South 13th Street
Lincoln, NE 68508-2795



Thomas W. Fox

LAW OFFICES OF
KEATING, O'GARA, NEDVED & PETER, P.C., L.L.O.

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GARY J. NEDVED
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(402) 770-3926

OF COUNSEL: JANE E. BURKE

November 23, 2005

VIA HAND DELIVERY

Mr. Don Taute, Personnel Officer
Lancaster County
555 South 10th
Lincoln, NE 68508

RE: Appeal of Denial Grievance on behalf of Lisa Bailey; American Federation of
State, County and Municipal Employees, AFL-CIO, Local 2468

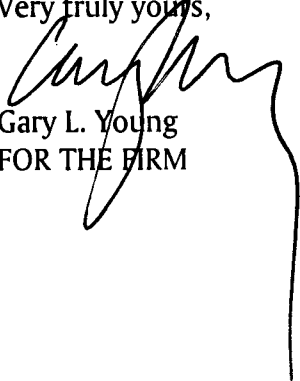
Dear Don:

This firm represents American Federation of State, County and Municipal Employees, AFL-CIO, Local 2468 and its member, Lisa Bailey. Enclosed please find a resubmission of the enclosed grievance for your attention, which we are submitting to the Board for the purposes of appeal on behalf of Lisa Bailey pursuant to Article 20 of the bargaining agreement between Lancaster County and Local #2468.

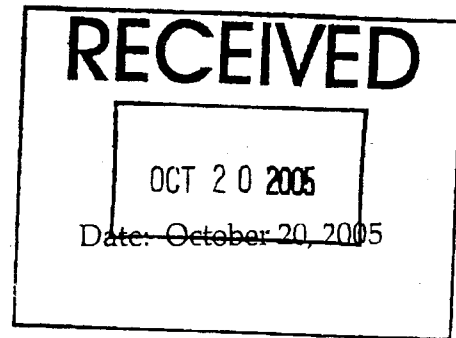
For the purposes of the appeal, Ms. Bailey is appealing only the denial of sick leave on September 25--27th. She is not appealing the denial of sick leave regarding September 24.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,


Gary L. Young
FOR THE FIRM

CITY - COUNTY PERSONNEL
2005 NOV 23 PM 3 37



IN RE GRIEVANCE OF LISA BAILEY)

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TO: Mike Thurber, or his designated representative

FROM: American Federation of State, County and Municipal Employees, AFL-CIO,
Local 2468, on behalf of Lisa Bailey

COMES NOW Lisa Bailey and her Union, AFSCME Local #2468, for her grievance state as follows:

NATURE OF GRIEVANCE AND ACTS OF COMMISSION OR OMISSION GRIEVED:

On September 24, 2005, Nurse Bailey was ill and unable to work because of her illness. As a result, she called Nurse Thiel to inform her of this, and that she would need to miss work that day. Nurse Thiel informed her that she would need a doctor's release from work when she returned. Nurse Bailey agreed to supply the slip. Nurse Bailey remained ill through the following day, and called in again to inform the Department of the need to miss work.

On September 28, 2005, Nurse Bailey returned to work, but Nurse Thiel was absent from work. As a result, Nurse Bailey presented Nurse Thiel with the requested doctor's slip on September 29. The slip verified her illness from September 24-27, and provided a clearance to return to work on September 28.

Sometime thereafter, the Department denied Ms. Bailey sick leave pay for September 24-27, even though she had accrued sick leave in her banks. The basis for the denial was that Nurse Thiel accused Ms. Bailey of attending car races at the "Mud Drags" in Milford Nebraska on September 24, 2005.

Ms. Bailey did not attend any car races on September 24. In fact, there were not even any mud drag races scheduled in Milford on those dates.

Accordingly, there is no factual basis for the Department's denial of Ms. Bailey's sick leave regarding September 24, 2005. The denial was made based upon rumors that were false. Ms. Bailey had an illness that made her absent from work, and prevented her from working on the shifts that she requested sick leave for, and therefore was entitled to sick leave, pursuant to Article 24, Section 1 of the Bargaining Agreement between the County and AFSCME Local #2468.

Therefore, Nurse Thiel and the Department clearly violated Article 24, Section 1 of the Bargaining Agreement between the County and AFSCME Local #2468.

DATE OF ACTION GRIEVED: September 29, 2005

IDENTITY OF GRIEVING PARTIES: Lisa Bailey, and American Federation of State, County and Municipal Employees, AFL-CIO, Local 2468, her union

IDENTITY OF PERSONS ALLEGED TO HAVE CAUSED GRIEVANCE: Nurse Thiel; Terry Weber; Mike Thurber

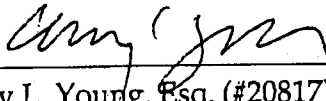
PROVISIONS OF AGREEMENT THAT WERE VIOLATED: Article 24, Sections 1.

REMEDY SOUGHT: Ms. Bailey requests that the Department grant her sick leave for the days that were denied and issue her pay for that period.

Respectfully submitted this 20th day of October , 2005.

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, AFL-CIO, Local 2468

BY:



Gary L. Young, Esq. (#20817)
Keating, O'Gara, Davis and Nedved, P.C.
530 South 13th, Suite 100
Lincoln, NE 68508
Ph: (402) 475-8230
Fax: (402) 475-8328

Attorney for AFSCME Local #2468 and Nurse
Bailey

LANCASTER COUNTY CORRECTIONS DEPARTMENT

605 SOUTH TENTH STREET
LINCOLN, NE 68508
(402) 441-7530
FAX: 441-8946

MICHAEL THURBER, DIRECTOR

November 7, 2005

Gary Young
Attorney at Law
Suite 100
530 S 13th St
Lincoln NE 68508

RE: Grievance of Lisa Bailey

Dear Mr. Young:

This letter is in response to the grievance filed on behalf of Lisa Bailey concerning denial of a sick leave request dated September 28, 2005.

I am denying this grievance because I believe Ms. Bailey abused her use of sick leave on the dates in question. Lancaster County Department Policy 2.10 Miscellaneous Personnel Rules defines abuse of sick leave as "use of sick leave for purposes other than those specified and/or use of sick leave for periods where a request for time off have been denied."

On August 24, 2005 Ms. Bailey submitted a leave request for September 24th and 25th.

On August 29, 2005 she was notified the request was being denied as we were unable to cover her time off.

On September 22nd Ms. Bailey submitted her resignation effective October 6, 2005, which was accepted by the Department.

September 24, 2005 at approximately 0755 a.m. Ms. Bailey called her supervisor and said, "I am going to be sick today." She called in sick again on September 25, 2005.

September 26th was Ms. Bailey's scheduled day off.

On September 27th Ms. Bailey called in sick again.

On September 28th Ms. Bailey returned to work with documentation signed by a nurse practitioner dated 9/26/05 stating, "off September 24-27 may return September 28, 05."

On September 25, 2005 it was brought to the attention of Ms. Bailey's supervisor that Lisa was seen racing at the "mud drags" in Milford, Nebraska on September 24, 2005. Since the witness who had reported this knew Ms. Bailey by name and sight and was sure of Ms. Bailey's participation in the races, the department checked into the issue further.

It was discovered the races took place in Waverly, Nebraska not Milford, Nebraska. The mud drags were held at the Camp Creek Threshers Show Grounds at 11:00 a.m. on September 24, 2005 by the ALVO Fire Department. Records of the races indicate Lisa Bailey ran a stock class car, #53, clocking 7.95 minutes in run #1 and 5.61 minutes in run #2 (see attached document).

I apologize for mis-stating the location of the races in the Supervisor's Report documenting the counseling given Ms. Bailey regarding her use of sick leave. However, I deny Lisa Bailey's grievance based on the information stated above. I have concluded Ms. Bailey abused the use of sick leave by using it for a purpose other than those specified by the contract and for a period in which vacation leave was denied.

If you have any questions please contact me.

Sincerely,

A handwritten signature in black ink that reads "Michael Thurber". The signature is written in a cursive, slightly slanted style.

Michael Thurber
Corrections Director

Attachment

MT/lo

cc: Don Taute, Personnel Director
Thomas Fox, Deputy County Attorney
Personnel File

2005 Alvo Volunteer Fire Dept. Mud Drags

First Name	Last Name	Class	Entry #	Run #1	Run #2	Run #3	Finals
Pam	Kulek	Powder Puff Factory Stock & Stock	3	17.84	7.67		
June	Tvrdy	Powder Puff Factory Stock & Stock	9	8.14	7.49		
Samantha	Buetzer	Powder Puff SS/Modified/Unlimited	6	5.13	5.04		
Jami	Gable	Powder Puff SS/Modified/Unlimited	5	3.63	DQ		
Kathy	Hein	Powder Puff SS/Modified/Unlimited	1	7.11	6.06		
Deb	Huber	Powder Puff SS/Modified/Unlimited	2	5.39	DQ		
Barbara	Miller	Powder Puff SS/Modified/Unlimited	3	5.95	NO SHOW		
Sherry	Moock	Powder Puff SS/Modified/Unlimited	4	5.3	DQ		
Matthew	Hansen	Snowmobile	36	4.17	3.81		
Paul	Kremlacek	Snowmobile	69	3.46	3.69		
Jeff	Malousek	Snowmobile	13	3.61	3.77		
Nick	Meek	Snowmobile	23	3.23	3.38		
Kirk	Nisley	Snowmobile	37	3.18	3.09		
Tim	Nisley	Snowmobile	31	3.54	3.45		
Ryan	Sabatka	Snowmobile	45	4.4	4.61		
Austin	Vermeline	Snowmobile	25	3.03	4.41		
Scott	Wilson	Snowmobile	3	2.83	2.93		
Zach	Adams	Stock	51	NO SHOW	NO SHOW		
Scott	Adkisson	Stock	45	6.88	5.41		
Lisa	Bailey	Stock	53	7.95	5.61		
Jeff	Bessey	Stock	43	8.08	6.28 (REPLACES RUN #1)	4.43	4.67
Kelly	Bessey	Stock	65	4.76	4.31		4.69
Dave	Bloom	Stock	71	4.98	5.01		4.76
Mark	Bloom	Stock	60	4.82	4.37		4.55
Rob	Booze	Stock	42	7.4	7.28		
James	Bunner	Stock	63	4.55	4.59		4.35
Chris	Chapman	Stock	34	DNF	15.34		
Jeff	Clay	Stock	35	CHANGED CLASS	CHANGED CLASS		
Ken	Donnelly	Stock	52	7.64	5.03		
Matt	Graham	Stock	39	10.37	6.9		5.73
Rick	Gusler	Stock	70	15.41	11.29		
Chris	Gustafson	Stock	20	DQ	8.3		
Aaron	Johnson	Stock	46	13.44	6.09		